

**TOWN OF ADDISON, TEXAS
ORDINANCE NO. 010-001**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO APPROVE A SPECIAL USE PERMIT FOR A RESTAURANT AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM TAMBUR RESTAURANT, LOCATED AT 4021 BELT LINE ROAD, SUITE 109, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A NO SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be amended, by amending the zoning map of the Town of Addison, Texas, so as to grant a special use permit for a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption for Tambur Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

BEING a 7,260 square-foot lease space, addressed as 4021 Belt Line Road, Suite 109, which is located in a subdivision described as:

BEING a part of Lot 4 of Watson & Taylor Subdivision, No. 2, an Addition to the City of Addison, Texas, according to the plat thereof recorded in Volume 79180, Page 0888 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 4 in the West line of Runyon Road (60' R.O.W.);

THENCE South 0 deg. 8 ft. 5 in. West with the West line of Runyon Road a distance of 203 feet to a point for corner;

THENCE West parallel with the North line of said Lot 4 a distance of 125 feet to a point for corner;

THENCE South a distance of 146.60 feet to a point for corner in the North line of Belt Line Road, said point being in a curve to the left in a Westerly direction having a radius of 1960.08 feet, a central angle of 7 deg. 12 ft. 21 in. whose center bears South 0 deg. 11 ft. 6 in. East;

THENCE Westerly with the North line of Belt Line Road and along said curve to the left an arc distance of 246.51 feet to a point for corner;

THENCE North 0 deg. 26 ft. 30 in. West parallel with the West line of said Lot 4 a distance of 365.87 feet to a point in the North line of said Lot 4;

THENCE East with the North line of said Lot 4 a distance of 374.13 feet to the place of BEGINNING and containing 113.194 square feet of land, more or less.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the revised floor plan and elevation drawings, which are attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 7,260 square feet.
3. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison Texas.

4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments that receive at least sixty percent (60%) or their gross revenues from the sale of food.
5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.
6. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
7. That if the property for which the special use permit is granted is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purposed of considering a change of zoning.
8. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated, or canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for considering a change of zoning.
9. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
10. Any dead or missing landscaping on the site shall be replaced prior to the issuance of a Certificate of Occupancy.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 4. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect. That this ordinance shall specifically repeal Ordinance

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January, 2010.



MAYOR-JOE CHOW

ATTEST:



CITY SECRETARY-LEA DUNN

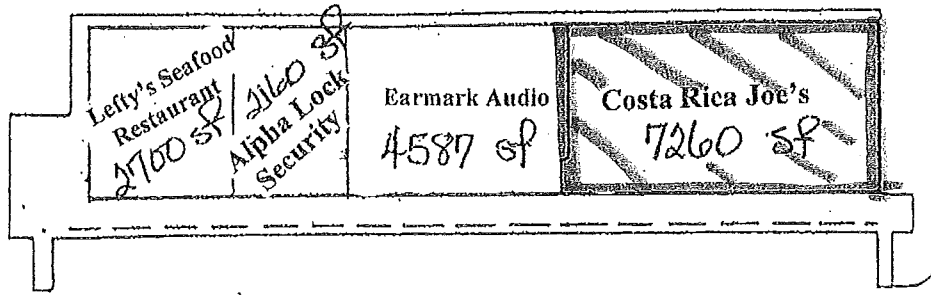
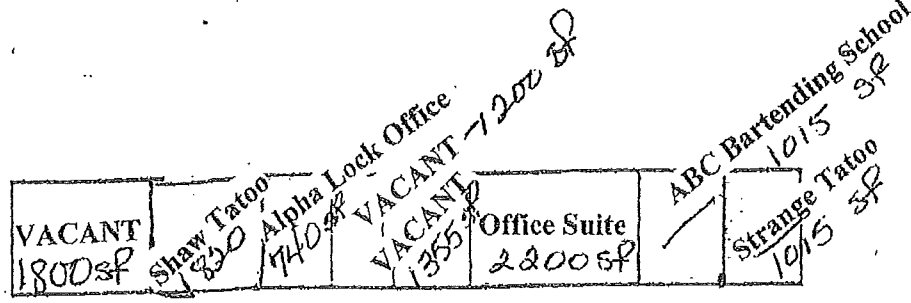
CASE NO. 1591-SUP/Tambu Restaurant

APPROVED AS TO FORM:

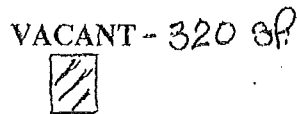
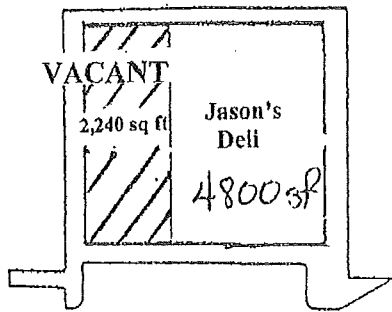


DIRECTOR OF DEVELOPMENT SERVICES
CARMEN MORAN

PUBLISHED ON: 7-30-2010



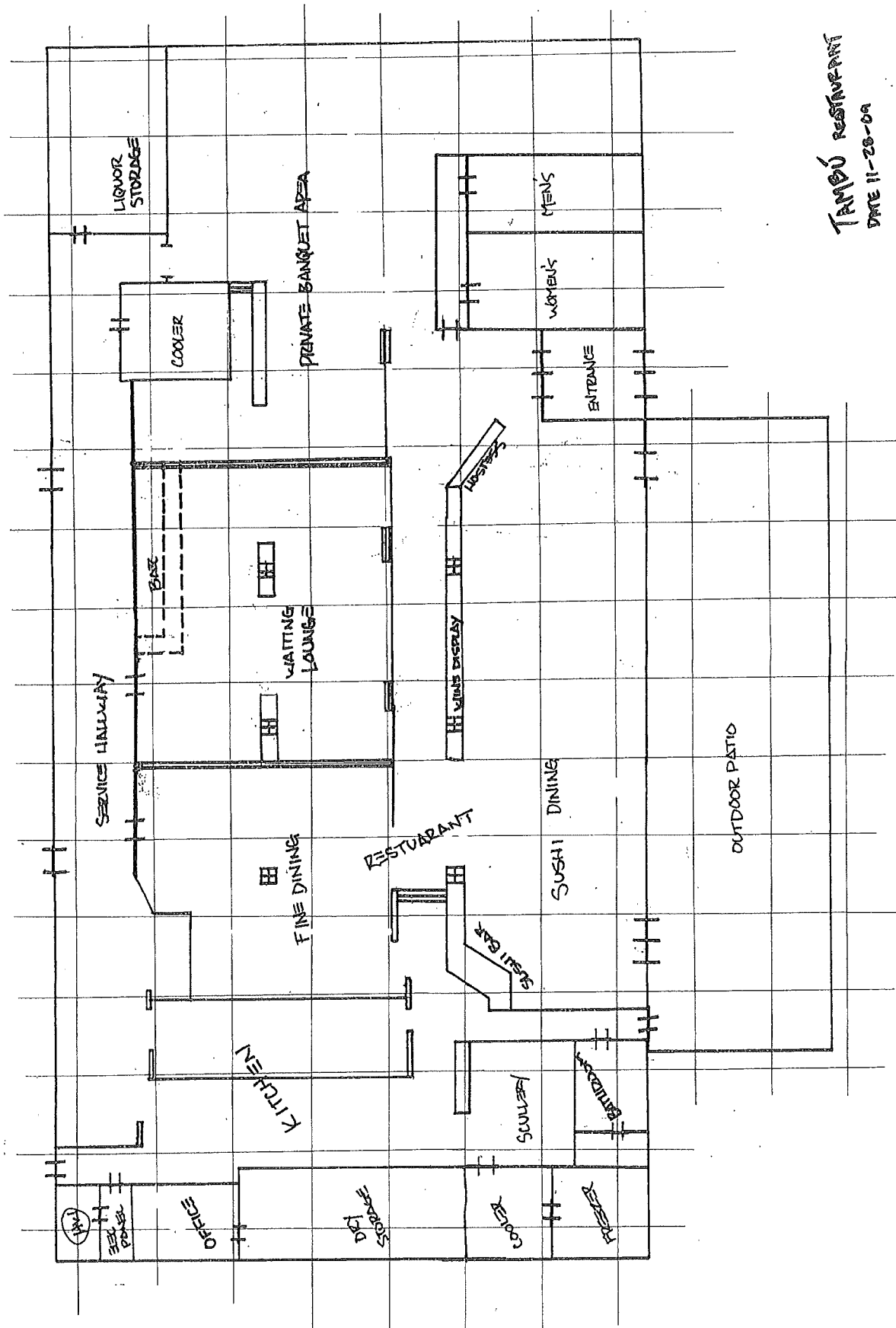
RUNYON ROAD



BELTLINE

ROAD

BELTLINE VILLAGE
4021 Beltline Road



TAMPO RESTAURANT
DATE 11-20-09